IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

THURSDAY, THE 13TH SEPTEMBER 2007 / 22ND BHADRA 1929

LA. App. No. 365 of 2004

LAR. 25/1996 of SUB COURT, PATHANAMTHITTA
.....

APPELLANT/CLAIMANT:

SARAUMMAL,
KOTTUNGAVILAYIL VEEDU, ENATHU MURI,
ENATHU VILLAGE.

BY ADV. SRI. T.K. KOSHY
SRI. G. UDAYABHANU

RESPONDENT/RESPONDENT:

THE STATE OF KERALA,
REPRESENTED BY THE DISTRICT COLLECTOR,
PATHANAMTHITTA.

BY GOVERNMENT PLEADER SMT. K.R. DEEPA.

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ADMISSION ON 13/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

C.M. Appln. No. 760 OF 2004
IN
L.A. APP. NO. 365 OF 2004

Dated this the 13th day of September, 2007.

O R D E R

Kurian Joseph, J.

This is a petition to condone the delay of 1547 days in filing the appeal. It is stated in the affidavit that the delay occurred only by a bonafide mistake on the part of the counsel for the claimant before the reference court.

2. Be that as it may, that shall not be a reason for an unmerited advantage for the claimant in the matter of 15% interest. Therefore, we allow the petition holding that the claimant shall not be entitled for 15% interest on the enhancement, if any, granted in appeal for the period covered by the delay, namely 1547 days.

KURIAN JOSEPH
JUDGE

HARUN-UL-RASHID
JUDGE

smp

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A. APP. NO. 365 OF 2004

Dated this the 13th day of September, 2007.

J U D G M E N T

Kurian Joseph, J.

This is an appeal filed against the judgment and decree in L.A.R. No. 25/1996 on the file of Sub Court, Pathanamthitta. Acquisition is for the purpose of constructing a bridge across Kallada river and its approach road.

2. It is seen that in all other connected cases pursuant to remand made by this Court, the Reference Court has fixed the land value at Rs. 3,750/- per Are and that fixation has become final. In the instant case, the claimant has already been granted enhancement at the rate of Rs. 3192/- per Are.

Therefore, we partly allow the appeal holding that the appellant-claimant will also be entitled to refixation of land value at the rate of Rs. 3,750/- per Are along with all statutory benefits. However, it is made clear that while granting 15% interest on the compensation, the claimant shall not be entitled

for such interest for a period of 1547 days in view of the order in C.M.Appln. No. 760/2004. Appellant will pay balance court fee within a period of two weeks.

KURIAN JOSEPH
JUDGE

HARUN-UL-RASHID
JUDGE

smp